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## RECENT LEGAL LITERATURE

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PRINCIPLES OF THE ENGLISH LAW OF CONTRACT. By Sir William R. Anson, Bart., D. C. L. Eleventh English edition. Second American edition with American Notes by Ernest W. Huffcut, Dean of the Cornell University College of Law. London and New York: Oxford University Press, 1906, pp. li, 462.

In his preface to this edition Dr. Anson writes: "I have endeavored in the eleventh edition to bring the book up to date, to introduce new authorities with the least possible enlargement of the text, to simplify passages that seemed obscure, and to preserve the character of an elementary treatise." This work has been well done. The author has retained the many excellencies of the earlier editions, and in bringing the book up to date he has given the numerous English statutes of recent years bearing on the subjects treated. These statutory modifications of the common law are no part of our jurisprudence, but they are written into the text and an American student must read with great care. There is danger of mistaking an English statute for a common law principle. During the past twenty years parliament has made many changes in the contract law of England. Reference to the index of this book, and to the subject "statutes," is of striking interest in this connection. So also is a comparison of this edition with those of former years, wherein the common law principles are clearly stated and less attention given to modern statutes. It is doubtful whether it is desirable to place before a student of the common law the substance of so many statutes having no force in this country. A confusion of ideas is apt to follow. The editor has appreciated this fact and such portions of the book as deal with the modern English statutes of local interest have been printed in small type. This has added much to the value of the book.

The American notes and citations of authorities are what we have a right to expect from the hand of Professor Huffcut. His work is exceptionally well done and his notes on, "Promise for the Benefit of Third Party," on "Joint and Several Contracts," and on "Substantial Performance" are of special interest and render the book of increased value to the student and the practitioner. We are pleased that he gives them as part of the text rather than places them as foot notes. The publications are to be commended for good execution in book making.

J. C. K.

A DIGEST OF THE LAW OF TRADE-MARKS AND UNFAIR TRADE. By Norman F. Hesselstine, of the Suffolk Bar. Boston: Little, Brown and Company, 1906, pp. xlviii, 390.

This small work treats of definitions; what is a valid trade-mark; what is not a valid trade-mark; property rights in trade-marks; good faith in trade-marks; partnership; trade-marks in their relation to patents; unfair trade; trade-names; assignments; infringement; license; laches; abandonment; practice and pleading (in the federal and state courts); registration;

an appendix contains the trade-mark laws of the United States of Feb. 20, 1905, and of May 4, 1906, with the rules of the Patent Office governing registration of trade-marks under the act of 1905; also forms to be used in preparing application for registration.

The introduction says: "This book states concisely the principles of the law of trade-marks and unfair trade for ready application by the lawyer. The legal profession now wants the law and cases, not pages of text-book discussions. The digest of cases shows the basis for the rule preceding. The rule is stated from a study of the cases according to the inductive method."

The author formulates and sets forth the law in a series of rules drawn from the cases. His method may be illustrated by the following definition which appears in heavy black-faced type under the caption, "What is a valid trade-mark;" "A trade-mark is (1) an arbitrary sign (2) affixed (3) by a proprietor (4) to his goods (5) with the intention of designating their origin (6) by a use thereon."

(1) "An arbitrary sign is (A) a word, (B) a combination of words, (C) letters," etc.

Each of the above subdivisions marked by letters or figures is then developed and illustrated by a digest of the cases relating to the particular point with a collection of words, marks, etc., that have been passed upon by the courts.

It is claimed that every point of every case upon the subject of trade-marks and unfair trade in the Federal Reporter, in the United States Reports, and in the Official Gazette of the Patent Office, and the principal decisions of the state courts and the English courts have been digested.

The author has made an effort to draw the line as completely as possible between *trade-mark law* and *unfair trade law* but he admits, as do all others who have considered the matter, that it is hard to do this, and that the courts have often failed to appreciate the distinction and have, for that reason, rendered decisions that are extremely difficult to reconcile.

The author seems to have done his work faithfully and accurately and the book will be found very useful to any one who has to consider the subject.

H. L. W.

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A TREATISE ON THE LAW OF MUNICIPAL CORPORATIONS. By Howard S. Abbott of the Minneapolis Bar, Lecturer on Public and Private Corporations and Civil Law, in the University of Minnesota. St. Paul: Keefe-Davidson Company, 1905, 1906. Three volumes, pp. xix, 3045.

When Judge Dillon wrote the preface to the fourth edition of his great work on the law of municipal corporations, in 1890, he thought it appropriate "to justify its size," to explain why his commentaries comprised two volumes with a total of some 1800 pages. The present work is in three volumes of nearly 3100 pages, but its size is amply justified by the great importance of the subject and the extraordinary growth of the case and statute law concerning it, during the last twenty or more years. Mr. Abbott's is the first attempt to treat this subject comprehensively and fully since the last edition